

Remarks

The Amendments

Claims 1-12 and 16-19 have been amended. Claims 13-15 and 20-25 have been withdrawn without prejudice as drawn to a non-elected invention. The claims have been amended to recite that the assay system comprises a PSMC2 polypeptide or nucleic acid. Support for the amendment is found in the specification at, for example, page 5. Claims 1 and 16 have been amended to recite determining the activity of the first or second assay system, respectively, in the presence or absence of the test agent. Support for the amendment can be found throughout the specification. In addition, claims 2-12 and 17-19 have been amended merely to correct grammatical errors and other matters of form.

Amendments to the claims are made without prejudice and do not constitute amendments to overcome any prior art or other statutory rejections and are fully supported by the specification as filed. Additionally, these amendments are not an admission regarding the patentability of subject matter of the canceled or amended claims and should not be so construed. Applicant reserves the right to pursue the subject matter of the previously filed claims in this or in any other appropriate patent application. The amendments add no new matter and applicants respectfully request their entry.

The Restriction Requirement

With respect to the restriction requirement, Applicants hereby elect with traverse Group I, claims 1-12 and 16-19, allegedly drawn to a method for identifying an RB pathway modulating agent, for prosecution on the merits. With respect to the species elections, Applicants hereby elect with traverse (A) an assay system comprising a PSMC2 polypeptide (B) using a screening assay (C) not further comprising steps (d) or (e)-(g). The claims readable thereon are claims 1-12 and 16-19.

If the Examiner has any questions regarding this response, she is invited to call the undersigned attorney.

Respectfully submitted,

Dated: June 21, 2010

/Sherri Oslick/
Sherri L. Oslick, Ph.D.
Registration No. 52,087

McDonnell, Boehnen, Hulbert & Berghoff LLP
300 S. Wacker Drive
Chicago, IL 60606
(312) 913-0001